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*elh*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/050,110 05/30/00 MITTS

T 00-142-US

EXAMINER

HM12/0921

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PO BOX 488  
PITTSBURGH PA 15230-0488

TAYLOR, J

ART UNIT

PAPER NUMBER

1655

DATE MAILED:

09/21/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/580,110	5/2000	Mitts et al.	00-142-US

EXAMINER	
Taylor Cleveland	
ART UNIT	PAPER NUMBER
1655	6


**Please find below a communication from the EXAMINER in charge of this application**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Taylor whose telephone number is (703) 305-0273. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Gary Jones whose telephone number is (703) 308-1152. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

  
W. Gary Jones  
Supervisory Patent Examiner  
Technology Center 1600  
9/20/01

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

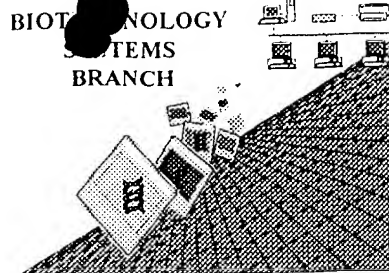
PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

## RAW SEQUENCE LISTING ERROR REPORT



P#5

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/580,110A

Source: 1653

Date Processed by STIC: 2-9-01

**RECEIVED**

MAR 01 2001

TECH CENTER 1600/2900

**THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.**

**PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:**

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

**FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.**

**FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.**

**PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)**

**PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)**

**TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:**

### **Checker Version 3.0**

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST 25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

# Sequence Listing Error Summary

## ERROR DETECTED SUGGESTED CORRECTION

SERIAL NUMBER: 09/580,110A

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

1 ☐ Wrapped Nucleics

The number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".

2 ☐ Wrapped Aminos

The amino acid number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".

3 ☐ Incorrect Line Length

The rules require that a line not exceed 72 characters in length. This includes spaces.

4 ☐ Misaligned Amino Acid Numbering

The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.

5 ☐ Non-ASCII

This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.  
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.

6 ☐ Variable Length

Sequence(s) ☐ contain n's or Xaa's which represented more than one residue.  
As per the rules, each n or Xaa can only represent a single residue.  
Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.

7 ☐ PatentIn ver. 2.0 "bug"

A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) ☐. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies primarily to the mandatory <220>-<223> sections for Artificial or Unknown sequences.

8 ☐ Skipped Sequences (OLD RULES)

Sequence(s) ☐ missing. If intentional, please use the following format for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO:X:  
(i) SEQUENCE CHARACTERISTICS: (Do not insert any headings under "SEQUENCE CHARACTERISTICS")  
(xi) SEQUENCE DESCRIPTION: SEQ ID NO:X:  
This sequence is intentionally skipped

Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).

9 ☐ Skipped Sequences (NEW RULES)

Sequence(s) ☐ missing. If intentional, please use the following format for each skipped sequence.  
<210> sequence id number  
<400> sequence id number  
000

10 ☒ Use of n's or Xaa's (NEW RULES)

Use of n's and/or Xaa's have been detected in the Sequence Listing.  
Use of <220> to <223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

11 ☐ Use of <213>Organism (NEW RULES)

Sequence(s) ☐ are missing this mandatory field or its response.

12 ☒ Use of <220>Feature (NEW RULES)

Sequence(s) ☐ are missing the <220>Feature and associated headings.  
Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown"  
Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)

13 ☐ PatentIn ver. 2.0 "bug"

Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing).  
Instead, please use "File Manager" or any other means to copy file to floppy disk.

RECEIVED

MAR 01 2001

TECH CENTER 1600/2900

1653

RAW SEQUENCE LISTING                      DATE: 02/09/2001  
PATENT APPLICATION:    US/09/580,110A        TIME: 13:56:13

Input Set : A:\SerialNumber 09580110.txt  
Output Set: N:\CRF3\02092001\I580110A.raw

3 <110> APPLICANT: MITTS, THOMAS F.  
4        SANDBERG, LAWRENCE B.  
6 <120> TITLE OF INVENTION: ELASTIN PEPTIDE ANALOGS AND USES OF SAME IN COMBINATION  
7        WITH SKIN ENHANCING AGENTS  
9 <130> FILE REFERENCE: 00-142-US  
11 <140> CURRENT APPLICATION NUMBER: 09/580,110A  
12 <141> CURRENT FILING DATE: 2000-05-30  
14 <160> NUMBER OF SEQ ID NOS: 75  
16 <170> SOFTWARE: PatentIn Ver. 2.1  
18 <210> SEQ ID NO: 1  
19 <211> LENGTH: 3  
20 <212> TYPE: PRT  
21 <213> ORGANISM: mammalian  
23 <400> SEQUENCE: 1  
24 Ala Val Gly  
25    1  
28 <210> SEQ ID NO: 2  
29 <211> LENGTH: 4  
30 <212> TYPE: PRT  
31 <213> ORGANISM: mammalian  
33 <400> SEQUENCE: 2  
34 Val Gly Ala Gly  
35    1  
38 <210> SEQ ID NO: 3  
39 <211> LENGTH: 3  
40 <212> TYPE: PRT  
41 <213> ORGANISM: mammalian  
43 <400> SEQUENCE: 3  
44 Ile Gly Gly  
45    1  
48 <210> SEQ ID NO: 4  
49 <211> LENGTH: 2  
50 <212> TYPE: PRT  
51 <213> ORGANISM: mammalian  
53 <400> SEQUENCE: 4  
54 Leu Gly  
55    1  
58 <210> SEQ ID NO: 5  
59 <211> LENGTH: 4  
60 <212> TYPE: PRT  
61 <213> ORGANISM: mammalian  
63 <400> SEQUENCE: 5  
64 Ile Gly Ala Gly  
65    1  
68 <210> SEQ ID NO: 6  
69 <211> LENGTH: 3  
70 <212> TYPE: PRT

Does Not Comply  
Corrected Diskette Needed  
pp 4, 6

RAW SEQUENCE LISTING                      DATE: 02/09/2001  
PATENT APPLICATION:    US/09/580,110A              TIME: 13:56:13

Input Set : A:\SerialNumber 09580110.txt  
Output Set: N:\CRF3\02092001\I580110A.raw

71 <213> ORGANISM: mammalian  
73 <400> SEQUENCE: 6  
74 Leu Gly Gly  
75    1  
78 <210> SEQ ID NO: 7  
79 <211> LENGTH: 4  
80 <212> TYPE: PRT  
81 <213> ORGANISM: mammalian  
83 <400> SEQUENCE: 7  
84 Val Ala Pro Gly  
85    1  
88 <210> SEQ ID NO: 8  
89 <211> LENGTH: 4  
90 <212> TYPE: PRT  
91 <213> ORGANISM: mammalian  
93 <400> SEQUENCE: 8  
94 Leu Gly Pro Gly  
95    1  
98 <210> SEQ ID NO: 9  
99 <211> LENGTH: 4  
100 <212> TYPE: PRT  
101 <213> ORGANISM: mammalian  
103 <400> SEQUENCE: 9  
104 Leu Gly Ala Gly  
105    1  
108 <210> SEQ ID NO: 10  
109 <211> LENGTH: 4  
110 <212> TYPE: PRT  
111 <213> ORGANISM: mammalian  
113 <400> SEQUENCE: 10  
114 Val Gly Pro Gly  
115    1  
118 <210> SEQ ID NO: 11  
119 <211> LENGTH: 4  
120 <212> TYPE: PRT  
121 <213> ORGANISM: mammalian  
123 <400> SEQUENCE: 11  
124 Phe Gly Pro Gly  
125    1  
128 <210> SEQ ID NO: 12  
129 <211> LENGTH: 4  
130 <212> TYPE: PRT  
131 <213> ORGANISM: mammalian  
133 <400> SEQUENCE: 12  
134 Val Gly Pro Gln  
135    1  
138 <210> SEQ ID NO: 13  
139 <211> LENGTH: 3  
140 <212> TYPE: PRT

RAW SEQUENCE LISTING                      DATE: 02/09/2001  
 PATENT APPLICATION: US/09/580,110A        TIME: 13:56:13

Input Set : A:\SerialNumber 09580110.txt  
 Output Set: N:\CRF3\02092001\I580110A.raw

141 <213> ORGANISM: mammalian  
 143 <400> SEQUENCE: 13  
 144 Leu Gly Ala  
 145 1  
 148 <210> SEQ ID NO: 14  
 149 <211> LENGTH: 4  
 150 <212> TYPE: PRT  
 151 <213> ORGANISM: mammalian  
 153 <400> SEQUENCE: 14  
 154 Val Gly Pro Ala  
 155 1  
 158 <210> SEQ ID NO: 15  
 159 <211> LENGTH: 4  
 160 <212> TYPE: PRT  
 161 <213> ORGANISM: mammalian  
 163 <400> SEQUENCE: 15  
 164 Val Val Pro Gly  
 165 1  
 168 <210> SEQ ID NO: 16  
 169 <211> LENGTH: 4  
 170 <212> TYPE: PRT  
 171 <213> ORGANISM: mammalian  
 173 <400> SEQUENCE: 16  
 174 Ala Val Pro Gly  
 175 1  
 178 <210> SEQ ID NO: 17  
 179 <211> LENGTH: 4  
 180 <212> TYPE: PRT  
 181 <213> ORGANISM: mammalian  
 183 <400> SEQUENCE: 17  
 184 Val Val Pro Gln  
 185 1  
 188 <210> SEQ ID NO: 18  
 189 <211> LENGTH: 6  
 190 <212> TYPE: PRT  
 191 <213> ORGANISM: mammalian  
 193 <400> SEQUENCE: 18  
 194 Val Ala Ala Arg Pro Gly  
 195 1 5  
 198 <210> SEQ ID NO: 19  
 199 <211> LENGTH: 7  
 200 <212> TYPE: PRT  
 201 <213> ORGANISM: mammalian  
 203 <400> SEQUENCE: 19  
 204 Leu Gly Ala Gly Gly Ala Gly  
 205 1 5  
 208 <210> SEQ ID NO: 20  
 209 <211> LENGTH: 4  
 210 <212> TYPE: PRT



## RAW SEQUENCE LISTING

DATE: 02/09/2001

PATENT APPLICATION: US/09/580,110A

TIME: 13:56:13

Input Set : A:\SerialNumber 09580110.txt

Output Set: N:\CRF3\02092001\I580110A.raw

211 <213> ORGANISM: mammalian  
 213 <400> SEQUENCE: 20

214 Ala Ile Pro Gly

215 1

218 <210> SEQ ID NO: 21

219 <211> LENGTH: 5

220 <212> TYPE: PRT

221 <213> ORGANISM: mammalian

223 <400> SEQUENCE: 21

224 Leu Gly Pro Gly Gly

225 1 5

228 <210> SEQ ID NO: 22

229 <211> LENGTH: 5

230 <212> TYPE: PRT

231 <213> ORGANISM: mammalian

233 <400> SEQUENCE: 22

234 Ala Ala Ala Gln Ala

235 1 5

238 <210> SEQ ID NO: 23

239 <211> LENGTH: 5

240 <212> TYPE: PRT

241 <213> ORGANISM: mammalian

243 <220> FEATURE:

244 <221> NAME/KEY: MOD\_RES

245 <222> LOCATION: (4)

247 <400> SEQUENCE: 23

W--> 248 Val Gly Val Xaa Gly

249 1 5

252 <210> SEQ ID NO: 24

253 <211> LENGTH: 5

254 <212> TYPE: PRT

255 <213> ORGANISM: mammalian

257 <400> SEQUENCE: 24

258 Val Tyr Pro Gly Gly

259 1 5

262 <210> SEQ ID NO: 25

263 <211> LENGTH: 6

264 <212> TYPE: PRT

265 <213> ORGANISM: mammalian

267 <400> SEQUENCE: 25

268 Ile Gly Gly Val Gly Gly

269 1 5

272 <210> SEQ ID NO: 26

273 <211> LENGTH: 6

274 <212> TYPE: PRT

275 <213> ORGANISM: mammalian

277 <400> SEQUENCE: 26

278 Val Ala Pro Gly Val Gly

279 1 5

→ <223> other information feature missing.  
 what residue does the "Xaa" represent?  
 This same error occurs in sequence  
 # 34. Please review and correct.

See #10 on the Error

Summary  
 Sheet.

RAW SEQUENCE LISTING                      DATE: 02/09/2001  
PATENT APPLICATION:    US/09/580,110A            TIME: 13:56:13

Input Set : A:\SerialNumber 09580110.txt  
Output Set: N:\CRF3\02092001\I580110A.raw

282 <210> SEQ ID NO: 27  
283 <211> LENGTH: 5  
284 <212> TYPE: PRT  
285 <213> ORGANISM: mammalian  
287 <400> SEQUENCE: 27  
288 Leu Gly Val Gly Gly  
289    1                      5  
292 <210> SEQ ID NO: 28  
293 <211> LENGTH: 4  
294 <212> TYPE: PRT  
295 <213> ORGANISM: mammalian  
297 <400> SEQUENCE: 28  
298 Leu Val Pro Gly  
299    1  
302 <210> SEQ ID NO: 29  
303 <211> LENGTH: 5  
304 <212> TYPE: PRT  
305 <213> ORGANISM: mammalian  
307 <400> SEQUENCE: 29  
308 Phe Arg Ala Ala Ala  
309    1                      5  
312 <210> SEQ ID NO: 30  
313 <211> LENGTH: 6  
314 <212> TYPE: PRT  
315 <213> ORGANISM: mammalian  
317 <400> SEQUENCE: 30  
318 Val Gly Gly Val Pro Gly  
319    1                      5  
322 <210> SEQ ID NO: 31  
323 <211> LENGTH: 5  
324 <212> TYPE: PRT  
325 <213> ORGANISM: mammalian  
327 <400> SEQUENCE: 31  
328 Phe Gly Pro Gly Gly  
329    1                      5  
332 <210> SEQ ID NO: 32  
333 <211> LENGTH: 5  
334 <212> TYPE: PRT  
335 <213> ORGANISM: mammalian  
337 <400> SEQUENCE: 32  
338 Val Gly Val Pro Gly  
339    1                      5  
342 <210> SEQ ID NO: 33  
343 <211> LENGTH: 6  
344 <212> TYPE: PRT  
345 <213> ORGANISM: mammalian  
347 <400> SEQUENCE: 33  
348 Val Leu Pro Gly Ala Gly  
349    1                      5

<210> 42  
<211> 4  
<212> PRT  
<213> Artificial Sequence

<220>  
<221> MOD\_RES  
<222> (1)  
<223> ACETYLATION

<220>  
<223> Description of Artificial Sequence: peptide

<400> 42  
Val Val Pro Gln  
1

*Not a valid response.  
Too vague. What is  
the source of the  
artificial sequence?  
See #12 on the Error  
Summary Sheet.*

*Note: This error occurs further  
in the sequence listing. Please  
review and correct each  
instance.*

VERIFICATION SUMMARY DATE: 02/09/2001  
PATENT APPLICATION: US/09/580,110A TIME: 13:56:14

Input Set : A:\SerialNumber 09580110.txt  
Output Set: N:\CRF3\02092001\I580110A.raw

L:248 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
L:248 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:23  
L:362 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:34  
L:362 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:34